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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,053	06/26/2001	Abel L. Aguirre	T-3798	1766

7590                    08/12/2002  
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EXAMINER	
CUEVAS, PEDRO J	
ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/892,053	<b>Applicant(s)</b> AGUIRRE, ABEL L.
	<b>Examiner</b> Pedro J. Cuevas	<b>Art Unit</b> 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_ .
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
 2) Notice of Draftperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .                    6) Other:

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Wave Energy Extracting Apparatus Having Unidirectional Paddlewheels And Floats.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,133,644 to Smith et al. in view of U.S. Patent No. No. 5,094,595 to Labrador, further in view of U.S. Patent No. 4,228,360 to Navarro.

Smith et al. disclose the construction of a surf-driven electrical apparatus comprising:

at least one paddlewheel (3) having opposing ends () and positioned upon the surface of a body of water and having a horizontally oriented paddlewheel axis of rotation and blades (4) extending radially relative to said axis of rotation;

at least a pair of elongated paddlewheel mounting arms each having first and second ends, and said first ends of said arms in each pair are secured to a separate one of said posts for rotation relative thereto about a common surge rotation axis parallel to said paddlewheel rotation axis, and said arms extend laterally from said posts above said body of water; and

a power transducer (6), which is an electrical generator, coupled to receive driving inputs;

for the purpose of converting the energy of the ocean's surf into electricity.

Labrador disclose the construction of a water-wave energy converter comprising:

a pair of support posts / upright stanchions / upright posts (132) anchored to the floor of said body of water and projecting upwardly to extend above the surface of said body of water and aligned with each other;

floats (133) secured to a pendulum beam (131); and

couplings (155);

for the purpose of converting the energy of the surfs into storable and consumable energies, such as compressed air, etc.

Navarro disclose the construction of a wave motion apparatus comprising:

a pair of unidirectional drive mechanism (Figure 5), coupled to a shaft and arranged for engagement by rotation of said shaft in opposite direction, whereby said

unidirectional drive mechanisms are engaged to provide a driving output, one at a time, depending upon the direction in which said wave action of said body of water rotates said shaft;

a direction reversing gearing (Figure 3) coupled to one of said unidirectional drive mechanisms and said power transducer is coupled to said other unidirectional drive mechanism through said direction reversing gearing;

a flywheel (50) coupled to receive inputs from said unidirectional drive mechanisms and to provide a power output to said power transducer; and

separate universal joints (52) located between each of said unidirectional drive mechanisms and said power transducer;

for the purpose of producing useful work from wave motion in a body of water.

It would have been obvious to one skilled in the art at the time the invention was made to use the unidirectional drive mechanism, direction reversing gearing, flywheel and universal joints disclosed by Navarro with the supports, floats and couplings disclosed by Labrador on the surf-driven electrical apparatus disclosed by Smith et al. a for the following purposes:

converting the energy of the surfs into storable and consumable energies, such as compressed air, etc.;

converting the energy of the ocean's surf into electricity; and  
producing useful work from wave motion in a body of water.

6. With regards to claim 8, a separate drive line coupled to each of said unidirectional drive mechanisms, and an energy transducer that receives driving inputs alternatively from each of said separate drive lines would be inherent to a transducer system having multiple paddlewheels.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R. Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
August 8, 2002

*[Signature]*  
RECEIVED AUGUST 8 2002  
CIVIL PATENT PRACTICE SECTION  
U.S. PATENT AND TRADEMARK OFFICE